

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARCEL MALACHOWSKI,)	
ID # 15287-052,)	
)	
Petitioner,)	
)	
v.)	
)	
NFN RIVERS,)	
)	
Respondent.)	Civil Action No. 3:22-CV-1156-C-BT

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge [ECF No. 23] therein advising the Court that Petitioner's Motion to Supplement Under Rule 59(e) [ECF No. 19] should be denied. Petitioner failed to timely file any objections.¹

The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

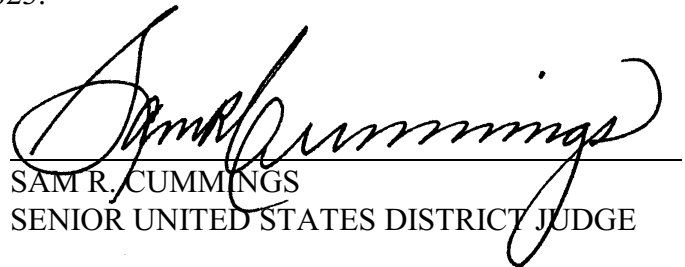
¹The fourteen-day period for filing objections has passed. Due to Petitioner's incarceration, the Court has waited an additional period of several days to allow time for any reasonable delays Petitioner may face in utilizing the prison mail system. Petitioner failed to keep his contact information current and the docket reflects that a copy of the Findings, Conclusions, and Recommendation [ECF No. 23] was re-mailed to Petitioner on August 14, 2023.

The Court has conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court.

For the reasons stated therein, Petitioner's Motion to Supplement Under Rule 59(e) is **DENIED** because Petitioner's arguments fail to demonstrate that he satisfies the savings clause under § 2255(e).

SO ORDERED.

Dated this 11th day of September, 2023.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE